

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**The Minutes**

**November 13, 2000**

At 9:31 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Sims, Acting Presiding Justice; Raye, Associate Justice; Hull, Associate Justice; and Rios, Bailiff. Calendar called.

**C034415      NEVADA COUNTY CORRECTIONAL OFFICERS ASSOCIATION v. COUNTY OF NEVADA**

Cause called. Stuart D. Adams argued for appellant. Charles J. McKee argued for respondent. Cause submitted.

At 9:55 a.m., court recessed. At 10:00 a.m., court reconvened with Presiding Justice Scotland, Associate Justice Sims, and Associate Justice Davis.

**C032759      LYONS et al. v. BACH and VETTER et al.**

Cause called. Maxim N. Bach argued for himself in pro per as appellant. Ronald L. Carello argued for respondents Lyons et al. Alan M. Steinberg argued for respondent Vetter. No appearance was made on behalf of respondent Crosswhite and Dixon. Cause submitted.

At 10:31 a.m., court recessed. At 10:35 a.m., court reconvened with Presiding Justice Scotland, Associate Justice Sims, and Associate Justice Callahan.

**C034003      SCHOLER v. DEPARTMENT OF MOTOR VEHICLES**

Cause called. Christopher E. Krueger, Deputy Attorney General, argued for appellant. John W. Lawrence argued for respondent. Cause submitted.

At 11:00 a.m., court recessed. At 11:03 a.m., court reconvened with Acting Presiding Justice Sims, Associate Justice Callahan, and Associate Justice Hull.

**C033738      FRIENDS OF SACRAMENTO COUNTY v. CITY OF WEST SACRAMENTO ; RIVER CITY BASEBALL INVESTMENT (COUNTY OF SACRAMENTO)**

Cause called. John Latini argued for appellant. Ann M. Siprelle argued for respondent City of West Sacramento. Tina A. Thomas argued for real party in interest-respondent. Andrea A. Matarazzo appeared for real party in interest-respondent but did not argue. M. Holly Gilchrist, Office of the County Counsel argued for respondent County of Sacramento. Cause submitted.

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**November 13, 2000 Continued**

At 11:40 a.m., court recessed. At 11:41 a.m., court reconvened with Acting Presiding Justice Sims, Associate Justice Raye, and Associate Justice Hull.

**C033467      HEAVENLY VALLEY et al. v. EL DORADO COUNTY BOARD OF  
EQUALIZATION (EL DORADO COUNTY BOARD OF SUPERVISORS)**  
Cause submitted. Thomas R. Parker argued for appellants. David L. Gangloff, Jr. argued for respondent. Cause submitted.

At 12:20 p.m., court recessed. At 2:00 p.m., court reconvened with Acting Presiding Justice Blease, Associate Justice Sims, and Associate Justice Hull.

**C030923      THE PEOPLE v. REAY et al.**  
Cause called. Richard L. Rubin, court appointed attorney, argued for appellant Travis Reay. Janice Lagerlof, court appointed attorney, argued for appellant Nettie Reay. Ruth M. Saavedra, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:39 p.m., court recessed. At 2:41 p.m., court reconvened with Presiding Justice Scotland, Associate Justice Davis, and Associate Justice Nicholson.

**C032679      THE PEOPLE v. WELCH et al.**  
Cause called. Deborah Tuttelman, court appointed attorney argued for appellant Welch. No appearance was made on behalf of appellant Mabson as argument was previously waived and approved. No appearance was made on behalf of respondent as argument was previously waived and approved. Cause submitted.

At 2:53 p.m., court recessed. At 2:55 p.m., court reconvened with Presiding Justice Scotland, Associate Justice Sims, and Associate Justice Kolkey.

**C032646      Estate of CLOUD; GALINDO v. QUINO as Trustee et al.**  
Cause called. Richard Hugh Cloud Galindo argued for himself in pro per as appellant. Michael Anthony Trenkle argued for respondents. Cause submitted.

At 3:01 p.m., court recessed. At 3:05 p.m., court reconvened with Presiding Justice Scotland, Associate Justice Sims, and Associate Justice Callahan.

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**November 13, 2000 Continued**

**C031950      CLOW as Trustee etc. v. CLOW**

Cause called. Matthew J. Smith argued for appellant. Thomas Nelford argued for respondent. Cause submitted.

At 3:40 p.m., court recessed. At 3:46 p.m., court reconvened with Presiding Justice Scotland, Associate Justice Nicholson, and Associate Justice Callahan.

**C031848      THE PEOPLE v. JIMENEZ**

Cause called. Hilda Scheib, court appointed attorney, argued for appellant. Clifford E. Zall, Deputy Attorney General, argued for respondent. Cause submitted.

At 4:10 p.m. court recessed until Tuesday, November 14, 2000, at 9:30 a.m.

**C032247      HARRINGTON v. SALOMON NORTH AMERICAN, INC.**

**(Not for Publication)**

The judgment is reversed with directions to the trial court to vacate its order granting summary judgment and enter an order denying the motion. Salomon shall pay Harrington's costs of this appeal.

MORRISON, J.

We concur:    Blease, Acting P.J.  
                    Callahan, J.

**C033779      ZERILLI v. CITY OF SACRAMENTO et al. (Not for Publication)**

The judgment of dismissal is affirmed.

SCOTLAND, P.J.

We concur:    Morrison, J.  
                    Kolkey, J.

**C032366      THE PEOPLE v. SMITH**

**(Not for Publication)**

The judgment is affirmed.

DAVIS, J.

We concur:    Scotland, P.J.  
                    Blease, J.



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**November 14, 2000 continued**

- C034640**      **In re STEVEN T. et al.; YUBA COUNTY CHILD PROTECTIVE SERVICES v. KATHY J.**      **(Not for Publication)**  
The judgment of the juvenile court is affirmed.  
                                 SCOTLAND, P.J.  
We concur:      Nicholson, J.  
                                 Raye, J.
- C033151**      **THE PEOPLE v. BELL**      **(Not for Publication)**  
The restitution order to Allied Insurance Company for \$55,115.71 is stricken. In all other respects, the judgment is affirmed. The trial court is directed to amend the abstract of judgment to conform with this opinion and to provide a certified copy of the corrected version to the Department of Corrections forthwith.  
                                 RAYE, J.  
We concur:      Scotland, P.J.  
                                 Blease, J.
- C035498**      **THE PEOPLE v. HERNANDEZ**      **(Not for Publication)**  
The trial court is directed to prepare an amended abstract of judgment to reflect the correct definition of the crime, the booking and classification fees and the county penalty assessments and to forward a certified copy to the Department of Corrections. The judgment is affirmed.  
                                 RAYE, J.  
We concur:      Scotland, P.J.  
                                 Sims, J.
- C033590**      **COUNTY OF TRINITY v. DALPORTO**      **(Not for Publication)**  
The judgment is affirmed.  
                                 CALLAHAN, J.  
We concur:      Nicholson, Acting P.J.  
                                 Hull, J.
- C035614**      **THE PEOPLE v. BALDWIN**      **(Not for Publication)**  
The judgment is affirmed.  
                                 DAVIS, Acting P.J.  
We concur:      Nicholson, J.  
                                 Morrison, J.

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**C035110**      **THE PEOPLE v. KELLY**      **(Not for Publication)**  
The judgment is affirmed.  
RAYE, J.  
We concur:    Davis, Acting P.J.  
                     Hull, J.

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**November 16, 2000**

**C036801      FLOYD et al. v. CLEGHORN et al.**

Appellant's petition for rehearing is granted. The decision filed on November 8, 2000, is vacated and the appeal is reinstated. The Sacramento County Clerk is directed to proceed with the preparation of the record on appeal. The \$15.00 remainder of the statutory filing fee is due on or before November 27, 2000. If the remainder of the filing fee is not paid by the due date, the appeal may be dismissed forthwith.

Any opposition to the petition for writ of supersedeas is due on or before December 1, 2000.

NICHOLSON, Acting P.J.

**November 17, 2000**

At 9:29 a.m., the court met in the Library & Courts Building for a continuation of its court calendar session. Present: Blease, Acting Presiding Justice; Davis, Associate Justice; Morrison, Associate Justice; and Castillo, Bailiff. Calendar called.

**C033361      DEL LUCE v. DEPARTMENT OF MOTOR VEHICLES**

Cause called. David I. Bass, Deputy Attorney General, argued for appellant. Betsy S. Kimball argued for respondent. Cause submitted.

At 9:58 a.m., court recessed. At 10:01 a.m., court reconvened with Acting Presiding Justice Blease, Associate Justice Sims, and Associate Justice Davis.

**C031612      THE PEOPLE v. VALDEZ et al.**

Cause called. Scott Concklin, court appointed attorney, argued for appellant Valdez. Steven Schorr, court appointed attorney, argued for appellant Lebron. Robert M. Morgester, Deputy Attorney General, argued for respondent with additional citations. Cause submitted. (Consolidated with C032849.)

**C032849      THE PEOPLE v. VALDEZ**

Cause called. Scott Concklin, court appointed attorney, argued for appellant Valdez. Robert M. Morgester, Deputy Attorney General, argued for respondent with additional citations. Cause submitted. (Consolidated with C031612.)

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**November 17, 2000 continued**

At 10:32 a.m., court recessed. At 10:34 a.m., court reconvened with Acting Presiding Justice Sims, Associate Justice Morrison, and Associate Justice Callahan.

**C029931      KINCAID v. COUNTY OF SACRAMENTO et al.**

Cause called. Estrella Kincaid argued for herself in pro per as appellant with additional citations. Stacey H. Cohen argued for respondents. Cause submitted.

At 10:58 a.m., court recessed. At 2:01 p.m., court reconvened with Acting Presiding Justice Davis, Associate Justice Callahan, and Associate Justice Hull.

**C031869      THE PEOPLE v. BITO et al.**

Cause called. Thomas N. Thomson argued for appellants. Carlos A. Martinez, Supervising Deputy Attorney General, argued for respondent. Cause submitted.

At 2:28 p.m., court recessed. At 2:26 p.m., court reconvened with Acting Presiding Justice Blease, Associate Justice Davis, and Associate Justice Hull.

**C033959      THE PEOPLE v. DRENNAN**

Cause called. Dylan Schaffer argued for appellant. David Andrew Eldridge, Deputy Attorney General, argued for respondent. Cause submitted.

Court recessed at 2:54 p.m., until 9:30 a.m., November 20, 2000.

**C033290      THE PEOPLE v. HARO**

Appellant's petition for rehearing is granted. The decision filed on October 20, 2000, is vacated.

BLEASE, Acting P.J.

**C034915      THE PEOPLE v. FORD**

**(Not for Publication)**

The judgment is affirmed.

NICHOLSON, Acting P.J.

We concur:     Morrison, J.  
                     Callahan, J.



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I concur in the result, but dissent from part I (C) of the opinion...  
Raye, J.